

MOTION BY SUPERVISORS HILDA L. SOLIS  
AND JANICE HAHN

April 11, 2017

**LA Justice Fund Client Prioritization and Services**

On December 20, 2016, this Board voted to join an unprecedented, public-private collaboration between the County of Los Angeles, the City of Los Angeles, and the Los Angeles philanthropic community to provide coordinated legal representation to County residents currently at risk of removal and who cannot afford an attorney. The County’s primary mission in launching this initiative is to ensure that County communities and families are not devastated and torn apart by aggressive immigration enforcement without access to due process through legal representation.

Unfortunately, the County’s action proved prescient. In January, President Trump issued an Executive Order that, in contrast to the Obama administration’s prioritization of dangerous criminals and national security threats, focuses enforcement efforts on a set of priorities so broad as to potentially include individuals who have engaged in street vending or shoplifting. In fact, the President’s “priorities” may even include people who have never been charged with a crime.

Subsequently, federal enforcement actions have seemed to bear out the President’s pledge to pursue all immigrants as opposed to those who truly pose a danger to public safety. For example, the Administration has reportedly detained recipients of the federal Deferred Action for Childhood Arrivals program (DACA), even though admission into that program required a federal determination that the recipient merited protection from deportation and posed no threat to public safety. There have also been reports of enforcement activities at or near churches, courthouses, schools, and other sensitive locations.

These increasingly aggressive tactics underscore the need for immigrants to have access to legal advocates to help them understand what rights they do and do not

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SOLIS \_\_\_\_\_

KUEHL \_\_\_\_\_

HAHN \_\_\_\_\_

BARGER \_\_\_\_\_

RIDLEY-THOMAS \_\_\_\_\_

have. Individuals at risk of removal proceedings—which could include American citizens, Lawful Permanent Residents, and others who have a legal right to be in this country—are likely to speak a different language or are almost certainly unfamiliar with complicated legal processes such as removal proceedings.

To provide these individuals with legal assistance is to support, not to undermine, the fair and appropriate enforcement of immigration law. If our federal laws, fairly enforced and adjudicated, deem an individual appropriate for removal, then such an order must and should be carried out, but only after a person has received a fair and impartial hearing. Moreover, it would increase efficiency: as multiple immigration judges have written, providing these individuals counsel in removal proceedings would significantly aid judges in reaching a quick and accurate resolution, and would reduce the need for duplicative proceedings, thus saving time and resources.

On March 14, 2017, the Chief Executive Officer (CEO) issued a report to the Board providing an update on progress towards operationalizing the Los Angeles Justice Fund (LAJF) and providing options for the Board to consider with regard to eligibility criteria for receiving legal support. In addition to the minimum criteria previously established by the Board that a recipient of free legal services must be: (1) a County resident; (2) at risk of removal; and (3) unable to afford an attorney—the CEO outlined six options for prioritizing clients of the LAJF for the Board to consider.

Option 1, would align the LAJF with SB 6, the State's Expanding Due Process bill, and could avoid contradictory requirements for legal service providers, prevent confusion among immigrant residents, and ensure a seamless, long-term implementation of the LAJF. Option 6 recognizes that limited resources should be prioritized to immigrants who have deep community ties to Los Angeles County, or who have demonstrated their commitment to the United States of America by serving in our armed forces. SB 6 is currently proceeding through the State's legislative process, and on March 29, the bill was amended to incorporate elements of both Option 1 and Option 6 from the CEO's report.

The urgent need for legal representation does not give the County the luxury to wait until the State finishes its process. The County should proceed based on the text of the amendment as currently written, and if the State bill is rewritten, the Board may revisit the issue to determine whether the value of aligning the County and State programs justifies pursuing an amendment, where feasible, to existing contracts.

As a final matter, it is important to note that the legal needs of our immigrant community are not limited to representation in removal proceedings. We have heard numerous reports of immigrants throughout the County seeking to transfer legal guardianship over their children or make other preparatory provisions in anticipation of possible removal. These are complex legal undertakings that require expertise and trustworthiness. Indeed, we have already heard reports of unscrupulous "notarios" charging up to \$250 for State "power of attorney" forms available for free on the internet.

In addition to representation in removal proceedings, the County should explore the feasibility of providing legal advice for such processes. This could include establishing Power of Attorney, Legal Guardianship of minor children, or making other legal childcare or healthcare arrangements.

In the Board motion that launched the LAJF, the Board directed the CEO to set aside \$1 million in Fiscal Year (FY) 2016-17 and up to \$2 million in FY 2017-18, with the caveat that these funds should only be disbursed upon Board determination that the other public and private partners are contributing their fair share. While the County is commendably moving more rapidly than our partners, each has taken significant steps to effectuate their commitment. On February 8, 2017, the Los Angeles City Council instructed its City Administrative Officer to identify \$2 million in City funding for the LAJF, and the Council is expected to make funding available as early as possible in FY 2017 – 2018. The California Community Foundation (CCF), in addition to publicly committing \$1.2 million to the LAJF, also announced \$1.4 million in rapid response grants to 19 organizations as part of their commitment to immigrant inclusion and protection and as part of their broader public/private collaboration with other foundations and Los Angeles County and City. The Weingart Foundation's Board of Directors also approved a disbursement of \$1 million over two years to the LAJF on December 19, 2016. Lastly, the California Endowment, the James Irvine Foundation, and CCF have pooled \$2.08 million as part of the LAJF's Deportation Defense Grantmaking Budget. The actions taken by our partners merit Board action authorizing immediate disbursement of the first \$1 million dollars, subject to Board approval of the contract.

### **WE, THEREFORE, MOVE THAT THE BOARD OF SUPERVISORS**

- I. Direct the CEO and the Auditor-Controller to transfer \$1.0 million in appropriation from the Provisional Financing Uses budget unit, to the Department of Consumer and Business Affairs (DCBA).
- II. Direct the Director of DCBA to allocate \$1.0 million to the California Community Foundation (CCF) for the LA Justice Fund immediately upon execution of a final contract, which shall implement the criteria set forth in SB 6 as written on the date of the passage of this motion, though DCBA should apprise the Board of any and all material differences in the final version of SB 6, if enacted, so that the Board may determine whether pursuit of a contract amendment is warranted. The final contract should also require CCF to track and collect data regarding the legal services provided to individuals in the groups prioritized by the funding such as veterans, DACA recipients, detained individuals, individuals with longstanding ties to the United States, and individuals who have a parent, spouse, or child who is a citizen or legal permanent resident of the United States.
- III. Direct the CEO to report back on the feasibility of providing legal services to

immigrants in deportation proceedings to include assistance completing legal forms such as Power of Attorney, Caregiver's Authorization Affidavit, Advance Health Care Directive, Legal Guardianship, and other legal arrangements an individual may need to make in preparation for possible removal.

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